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## CIA Chief Called in B-26 Case FOIAb3

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By Joseph Higgins  
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The director of the Central Intelligence Agency was ordered subpoenaed today to testify in the trial of three men charged with conspiring to smuggle World War II vintage B-26 bombers to Portugal.

Federal District Judge John O. Henderson issued the subpoena order on the motion of attorney Edwin Marger of Miami Beach, counsel for John R. Hawke, 28, one of the defendants.

Judge Henderson ordered that subpoenas be issued "forthwith" for CIA Director Richard M. Helms and ten others including Richard M. Bissell, past deputy director of the CIA.

**Conspiracy Charged**

The Government accuses the defendants of conspiring to smuggle 20 of the twin-engined Douglas attack bombers to Portugal in the spring and summer of 1965. Seven airplanes actually are said to have made the trip, some of them crossing the border in about the Buffalo area.

Hawke and Marger have claimed the CIA was aware of the venture and secretly approved it because the bombers were to be used to help quell a Communist-inspired uprising in the Portuguese colonies, Angola and Mozambique.

On trial with the bearded former RAF pilot are Count Henri M. F. de Marin de Montmarin, 58, a Paris businessman said to have ordered the airplanes for a Swiss firm, in Woodrow W. Roderick, 47, a Winnipeg, Manitoba businessman accused of executing the

contract with a Tucson, Ariz. supplier, Aero Associates Inc.

Asked if Helms will obey the order to appear, Marger said, "We believe he should be available like any other employe of the Government. Whether he will be available is an interesting question. Maybe it will be decided in this court in the first instance."

The judge's order noted that Marger will accept, in place of Helms, "a person or persons sufficiently acquainted with the issues of this case."

Marger wants Helms to testify on previous CIA use of the B-26 in international affairs and on what the lawyer called its "export without Government license." Helms was directed to bring the CIA's records relating to the B-26 case.

Marger seeks testimony from Bissell on the similarities between the Portugal operation and previous CIA projects.

**Advised to Take Job**

Among the others ordered subpoenaed were aviation writers Martin Caidin and Herbert M. Mason Jr. Caidin, a prolific writer of books about flying and a sometime Government adviser, is sought because, Marger says, he advised Hawke to take the B-26 ferrying job.

FBI agent Joseph Sullivan, formerly of Fort Lauderdale, now working in Washington, also will be directed to appear.

The balance of Marger's list consisted of pilots, aviation businessmen, Federal Aviation Agency officials and the records clerk of the U.S. Mission to the United Nations, where the United States once promised not to supply Portuguese weapons for use in Africa.

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